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CLERK, U.S. DISTRICT COURT

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ORIGINALUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

KELLIE R. CLARK,

Plaintiff,

v.

WISE COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

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§4-03 CV 1.0.03 - A
CAUSE NO.NOTICE OF REMOVAL

Defendant Wise County, Texas ("Wise County") petitions this Court for removal of Cause No. 03-02-119 from the 271st Judicial District Court of Wise County, Texas, and state as follows:

A. Procedural Status

Plaintiff Kellie R. Clark filed a lawsuit against Defendant Wise County Sheriff's Office alleging an action under Chapter 21 of the Texas Labor Code, Section 21.001 *et. seq.* Texas Labor Code, as amended, to correct unlawful employment practices on the basis of sex. On July 31, 2003, Defendant Wise County Sheriff's Department filed a Motion to Dismiss on the grounds that it was not a proper Defendant in this case. On September 3, 2003, the State court granted the Sheriff's Department's Motion to Dismiss. However, on or about August 15, 2003, Clark filed her First Amended Petition wherein she added Wise County and Sheriff Phil Ryan as Defendants and alleged, for the first time, a claim arising under 42 U.S.C. § 1983. Specifically, Clark alleges that she was terminated because of her sex in violation of her equal protection rights under the 14th Amendment to the United States Constitution.

B. This Case Is Subject To Removal

On or about August 15, 2003, Defendants were served with a copy of Plaintiff's First Amended Petition ("Petition"). This notice of removal is timely filed

under 28 U.S.C. §1446(b) because it is filed within thirty (30) days of Defendants' receipt of the Petition.

1. This case is subject to removal under 42 U.S.C. § 1983.
2. The undersigned represents all Defendants in this cause and they all hereby consent to remove this case to the United States District Court for the Northern District.
3. Written notice of the removal of this cause is being filed with the District Clerk of Dallas County, Texas, and is being served on all adverse parties pursuant to 28 U.S.C. §1446(b).
4. An Index including the documents filed in the state court action is attached, which includes **Exhibit 1**: a copy of the Docket Sheet in the state court action; **Exhibit 2**: a copy of the state court file, which includes copies of all documents filed with the Wise County District Court in his matter.

WHEREFORE, Defendants pray that this Honorable Court assume full jurisdiction of this case as if it had been originally filed here, and that the proceedings in the state action be stayed. Defendants further pray for such other and further relief to which they may show themselves justly entitled, and that justice be done.

Respectfully submitted,

PATTON BOGGS, LLP

By: 


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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that the foregoing has been served on counsel for Plaintiff via certified mail, return receipt requested,. and/or facsimile on this 12th day of September, 2003.

Rob Wiley
Rob Wiley, P.C.
Turtle Creek Tower, Suite 650
3131 Turtle Creek Boulevard
Dallas, Texas 75219
Via Fax No. 214 528 6511


Robert A. Hawkins